

February 24, 2010 *Via ECFS Transmission*

Marlene H. Dortch, Commission Secretary Office of the Secretary Federal Communications Commission 445 12th Street, SW, Suite TW-A325 Washington, D.C. 20554

RE: EB Docket No. 06-36

2009 CPNI Certification for Ernest Communications, Inc.

Dear Ms. Dortch:

In accordance with Federal Communications Commission's Enforcement Advisory No. 2010-01, DA 10-91, EB Docket No. 06-36, released January 15, 2010 and pursuant to 47 C.F.R. § 64.2009(e), Ernest Communications, Inc. hereby files its Certification of Customer Proprietary Network information (CPNI) and its supporting Statement for the year 2009. Please include this Certification in EB Docket No. 06-36.

Please contact me at 407-740-3006 or crossel@tminc.com if you have any questions about this filing.

Sincerely,

Carey Roesel

Consultant to Ernest Communications, Inc.

CR/gs Enclosure

cc: Best Copy and Printing (FCC@BCPIWEB.COM)

Paul Masters – Ernest

file: Ernest – FCC CPNI

tms: FCCx1001

ANNUAL 47 C.F.R. § 64.2009(e) OFFICER'S CERTIFICATION OF CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI) COMPLIANCE

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2010: Covering calendar year 2009

Date filed February 24, 2010

Name of company(s) covered by this certification: Ernest Communications, Inc.

Form 499 Filer ID: 818014

Name of signatory: Paul Masters

Title of signatory: President

- 1. I, Paul Masters, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. §64.2001 et seq.
- 2. Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in §64.2001 et seq. of the Commission's rules.
- 3. The company has not taken actions (*i.e.*, proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.
- 4. The company has not received customer complaints in the past year concerning the unauthorized release of CPNI.
- 5. The company represents and warrants that the above certification is consistent with 47 C.F.R. §1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Paul Masters, President

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Attachments: Accompanying Statement explaining CPNI procedures

Attachment A
Statement of CPNI Procedures and Compliance

Statement of CPNI Procedures and Compliance

USE OF CPNI

Ernest Communications, Inc. does not use or permit access to CPNI to market any telecommunications or non-telecommunications services. Ernest Communications has trained its personnel not to use CPNI for marketing purposes. Should Ernest elect to use CPNI in future marketing efforts, it will follow the applicable rules set forth in 47 CFR Subpart U, including, if necessary, the institution of operational procedures to ensure that notification is provided and customer approval is obtained before CPNI is used or disclosed.

PROTECTION OF CPNI

Ernest Communications has put into place processes to safeguard its customers' CPNI from improper use or disclosure by employees; and to discover and protect against attempts by third parties to gain unauthorized access to customer CPNI. Most employees do not have access to CPNI at all. They can only pass on requests for CPNI or CPNI-related information to upper management. All CPNI information is stored locally by the company with no outside access allowed to others.

Although it has never occurred, Ernest Communications will maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties where allowed access to CPNI.

DISCLOSURE OF CALL DETAIL OVER PHONE

The company does not disclose CPNI over the telephone in response to a customer-initiated telephone inquiry, unless the customer can provide the call detail information that is the subject of the inquiry without the assistance of a customer service representative. If it elects to do so in the future, it will follow the applicable rules set forth in 47 CFR Subpart U, including the implementation of authentication procedures that do not require the use of readily available biographical information or account information and customer notification of account changes.

Company has put into place procedures to notify customers whenever an address of record is created or changed without revealing the changed information or sending the notification to the new account information. Customers are notified via mail to the address of record.

DISCLOSURE OF CPNI ONLINE

Company does not disclose CPNI on-line. If it elects to do so in the future, it will follow the applicable rules set forth in 47 CFR Subpart U, including the implementation of authentication procedures that do not require the use of readily available biographical information or account information and customer notification of account changes.

DISCLOSURE OF CPNI AT RETAIL LOCATIONS

Ernest Communications does not disclose CPNI at any retail locations.

NOTIFICATION TO LAW ENFORCEMENT

Company has in place procedures to notify law enforcement in the event of a breach of customers' CPNI and to ensure that customers are not notified of the breach before the time period set forth in the FCC's rules, or, if applicable, when so authorized by law enforcement.

Although it has never occurred Ernest Communications will maintain written records of all breaches discovered and notifications made to the USSS and the FBI, and to customers.

ACTIONS AGAINST DATA BROKERS

Company has not taken any actions against data brokers in the last year.

CUSTOMER COMPLAINTS ABOUT CPNI BREACHES

Company did not receive any customer complaints about the unauthorized release of CPNI or the unauthorized disclosure of CPNI in calendar year 2009.

INFORMATION ABOUT PRETEXTERS

Company has not developed any information with respect to the processes pretexters are using to attempt to access CPNI but does take aggressive steps to protect CPNI.